

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re REFCO, INC. SECURITIES  
LITIGATION

07 MDL No. 1902 (GEL)

ECF FILED

ORAL ARGUMENT REQUESTED

GEORGE L. MILLER, Chapter 7 Trustee  
for the Estate of Suffolk LLC,

Plaintiff,

v.

CSFB,  
LAB MORGAN CORPORATION,  
ML IBK POSITIONS, INC.,

Defendants.

Index No. 09 Civ. 2885 (GEL)

Index No. 09 Civ. 2920 (GEL)

Index No. 09 Civ. 2922 (GEL)

**THE BANK DEFENDANTS' NOTICE OF MOTION TO  
DISMISS THE COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of the Bank Defendants' Motion to Dismiss the Complaint; the Declaration of Michael O'Connor, dated June 3, 2009; the Declaration of Ross E. Firsenbaum, dated June 8, 2009, and exhibits thereto; and all prior proceedings had herein, Defendants Credit Suisse First Boston Next Fund, Inc.; Lab Morgan Corporation; and ML IBK Positions, Inc. (the "Bank Defendants"), by and through their undersigned counsel, will move before the Honorable Gerard E. Lynch, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, for an Order dismissing the Complaint with prejudice pursuant to Rules 12(b)(1), 12(b)(5), 12(b)(6) and 9(b) of the Federal Rules of Civil Procedure.

Dated: New York, New York  
June 8, 2009

WILMER CUTLER PICKERING  
HALE AND DORR LLP

By: /s/ Philip D. Anker  
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Philip D. Anker  
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Corporation; and ML IBK  
Positions, Inc.*